

## INTRODUCTION:<sup>1</sup>

The complainant, Subject 1 complained that he was in bed with the mother of his children, Civilian 1, when Civilian 1's boyfriend, Sergeant A, entered the apartment using his key to the residence. Subject 1 alleged that Sergeant A pulled the covers off of Civilian 1 and Subject 1, pulled Civilian 1 by the hair, slapped Civilian 1, and pushed her against a wall.<sup>2</sup> Subject 1 also alleged that Sergeant A punched him on the face twice.

## ALLEGATIONS:

The complainant, Subject 1, alleged that on 03 January 2016, at approximately 1100 hours, at XXXX S. Dearborn Street, Apartment #XXX, **Sergeant A, #XXXX, Unit XXX:**<sup>3</sup>

- 1) Punched him on the face several times, in violation of Rule 9 and,
- 2) Engaged in a verbal altercation with him, in violation of Rule 8.

## APPLICABLE RULES:

**Rule 8** - Disrespect to or maltreatment of any person, while on or off duty.

**Rule 9** – Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

## SUMMARY OF INVESTIGATION:

In an **Initiation Report** dated 03 January 2016, Sergeant B reported that he started his tour of duty on 03 January 2016 and learned that Sergeant A had been named the offender in a case report, RD# XXXXXXXX. Subject 1 had left the 001st District station before Sergeant B arrived for his tour of duty. (Att. 4)

**Complainant Subject 1** provided a **statement** on 03 January 2016, in which he stated that he was sleeping in the nude with his children's mother, Civilian 1, when he was awoken by Civilian 1's boyfriend, Sergeant A. Sergeant A had entered the apartment with a key that Civilian 1 had given him. Sergeant A pulled the covers off of Subject 1 and Civilian 1 and grabbed Civilian 1 by the hair. Sergeant A then slapped Civilian 1 on the face. When Subject 1 tried to get out of the bed, Sergeant A punched him on the face. Civilian 1 ran into the bathroom. Sergeant called Subject

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<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Thus, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA. In the interest of clarity, this report will use the acronym "COPA" to refer to the investigative actions of both agencies.

<sup>2</sup> Civilian 1 refuted the allegations that Subject 1 made regarding Sergeant A's treatment of her, so they were not served to Sergeant A.

<sup>3</sup> During the course of this investigation Sergeant A retired from employment with the Chicago Police Department. (Att. 26)

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1 a stupid motherfucker and punched Subject 1 on the face a second time. Sergeant A pulled Civilian 1 from the bathroom and pushed her against a wall. Sergeant A yelled at Civilian 1 about money she owed him before leaving the apartment. Subject 1 stated he sustained a swollen lip and a laceration under his eye as a result of the incident. Civilian 1 did not sustain any visible injuries. (Att. 6)

**Evidence Technician photographs** of Subject 1 depict an apparent laceration or scratch to his right eye and an apparent laceration or scratch to his lip.<sup>4</sup> (Att. 23)

**Witness Civilian 1** provided a **statement** on 03 January 2016, in which she stated that she was at her apartment in bed asleep with Subject 1 when her boyfriend of four years, Sergeant A, entered the apartment. Sergeant A took the covers off the bed and said, "Wake up, what is this? What's going on?" Civilian 1 ran to the bathroom immediately and closed the door. Civilian 1 heard the men yelling but couldn't hear what was said. After about 10-15 seconds, Sergeant A opened the bathroom door and Civilian 1 voluntarily followed him back to the bedroom. Sergeant A and Subject 1 yelled at each other. Sergeant A asked Civilian 1 about money she owed him. When Civilian 1 told Sergeant A she didn't have the money, Sergeant A emptied a dresser drawer onto the bed. Sergeant A then packed a bag with some clothing that he had at the apartment and walked to the door. Sergeant A returned to the bedroom, threw the bag onto the bed, and left the apartment. An hour after Sergeant A left, Civilian 1 saw that Subject 1 had a cut near his eye and a swollen upper lip. (Att. 11)

**Civilian 1** provided a second **statement** on 05 January 2016 in which she stated that she gave her statement on 03 January 2016 under duress as she was afraid that Subject 1 would hurt her if she did not give a statement. Civilian 1 did not substantially change her account between the two statements. She added that Subject 1 instructed her to say that she saw Sergeant A strike Subject 1 so that Sergeant A would get into trouble, but she reiterated that she did not see any physical contact between the men. (Att. 20)

**A Case Report** for RD #XXXXXXXX indicates that Sergeant A entered the apartment and punched Subject 1 on the face several times. A Detective Supplemental Report indicates that Civilian 1 told investigating detectives that Subject 1 had told her to give a false statement about the incident. Civilian 1 stated that she gave a false statement because she was scared Subject 1 would harm her if she did not. (Att. 16, 34-37)

**Accused Sergeant A** provided a **statement** on 08 September 2016 in which he denied the allegations against him. Sergeant A stated that he and Civilian 1 had been dating for approximately two years at the time of the incident. Sergeant A stated that he went to Civilian 1's apartment to retrieve a shirt he wanted to wear. Sergeant A went to the bedroom to get the shirt from the dresser when Subject 1 jumped up from the bed and advanced on him. Sergeant A opened a drawer to

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<sup>4</sup> Subject 1 provided several pictures of his injuries via email; however, the pictures are of very poor quality and have no evidentiary value.

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slow down Subject 1 and moved his hands in front of his face to block Subject 1's hands. Sergeant A stated that he did not recall punching or striking Subject 1. Sergeant A stated that Subject 1 said he didn't want Sergeant A around his children anymore and Sergeant A said he didn't want to be any part of that situation. Sergeant A estimated that he was in the apartment for about one or two minutes. Sergeant A stated Civilian 1 had previously told her that Subject 1 was abusive to her. (Att. 25)

**CONCLUSION:**

COPA recommends a finding of **NOT SUSTAINED** for Allegation #1 against **Sergeant A**, that he punched Subject 1 on the face several times. Civilian 1 did not observe Sergeant A strike Subject 1. Sergeant A stated that he defended himself from Subject 1, which involved moving his hands in front of his face to block blows coming from Subject 1. There is insufficient available evidence to either sustain or refute this allegation.

COPA recommends a finding of **NOT SUSTAINED** for Allegation #2 against **Sergeant A**, that he engaged in a verbal altercation with Subject 1. Subject 1 alleged that Sergeant A yelled at him. Sergeant A denied arguing with Subject 1. Civilian 1 stated that she heard the men yelling but did not hear what was said. There is insufficient available evidence to either sustain or refute this allegation.